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Peter John Dominey

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EXAMINER

KO, STEPHEN K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,158	Applicant(s) DOMINEY, PETER JOHN	
	Examiner STEPHEN KO	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-15, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 16-20, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/04/2009 has been entered.

2. Claims 1-7 and 10-24 are currently pending in the application and examined on the merits.

Specification

3. The amendment filed 09/04/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: When this occurs, the tether 38 keeps the plug 34 attached to the housing 12 and thereby prevents it from becoming lost (last two lines of the amendments to the specification).

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. Rejections to claim 10 under U.S.C. 112th, first paragraph and second paragraph are withdrawn in view of applicant's amendment.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 22 recites "a portion of the locking member first wall extends" in line 1-2 of claim 22, which is not readily ascertainable. Clarification and/or correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-3, 5-7, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al (US 4,765,354) in view of Bannan (US 4,982,471) in further view of Bailey (US 5,086,796) and Freiler (US 5,203,372).

Thatcher et al teach a paint roller cleaner comprising a container (read as housing, Fig.1, #11, col.3, L.42) having an cylindrical open end (read as opening, Fig.1,

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#14, col.3, L.44) adapted to receive a paint roller. The container is very close fit around a paint roller, which is fully capable for removing paints therefrom (Fig.1). The paint roller cleaner also has an L-shaped detent slot (read as external locking means, Fig.2, #15, col.3, L.50) for locking in place the handle portion of an applicator (read as paint roller, Fig.1, #17, col3, L.54) in the container (read as housing, Fig.1, #11, col.3, L.42), whereby a pressurized solvent fluid (read as cleaning fluid, col.4, L.13-14) may be introduced into the container (read as housing, Fig.1, #11, col.3, L.42; col.4, L.12-15).

Thatcher et al do not teach a paint roller cleaner comprising an outer flange portion for removing paint from the paint roller.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Thatcher et al by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller.

Thatcher et al and Bannan remain silent about a pressure relief means provided on the housing.

However, Bailey teaches a paint roller cleaner comprising a pressure relief means provided on a housing (Fig.1, #24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of combined teaching of Thatcher et al and Bannan by adding a pressure relief means provided on the housing as motivated by Bailey such that turbulence, which tends to clean any cover situated within the housing, can be created inside the housing, thus enhance cleaning efficiency (Bailey, col.5, L.42-44).

Thatcher et al, Bannan and Bailey remain silent about the pressure relief means comprising a vent opening that is tightly sealed by a plug; wherein said plug is pushed out of the vent opening by excessive pressure build-up within the housing.

However, Freiler teaches a pressure relief means comprising a vent opening that is tightly sealed by a plug (Fig.2, #56); wherein said plug is fully capable of being pushed out of the vent opening by excessive pressure build-up within the housing (Fig.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of combined teaching of Thatcher et al, Bannan and Bailey by using the pressure relief means comprising a vent opening that is tightly sealed by a plug; wherein said plug is pushed out of the vent opening by excessive pressure build-up within the housing as mentioned in Freiler instead of the pressure relief means as suggested by Thatcher et al, Bannan and Bailey to enhance automation and also because Bailey teaches any means for restricting, preventing, allowing or varying fluid flow may be used (col.5, L.45-46).

For claim 2, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a hook designed to lock around and restrain the handle of the paint roller (Thatcher et al, Fig.2. #15, col.3, L.50-54).

For claim 3, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is located close to the open end (Thatcher et al, read as opening, Fig.1, #14, col.3, L.44) of the container (Thatcher et al, read as housing, Fig.1, #11, col.3, L.42) in which the paint roller is received.

For claim 5, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a snap fit locking means.

For claim 6, Thatcher et al, Bannan, Bailey and Freiler do not teach a paint roller cleaner comprising an outer flange portion positioned perpendicular to the axis of the container (read as housing, Fig.1, #11, col.3, L.42) for removing paint from the paint roller.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25) perpendicular to the axis of the container to obtain an easy access to the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25).

For claim 7, note that the apparatus of combined teaching of Thatcher et al, Bannan, Bailey and Freiler teach that the outer edge of the arcuate portion (Bannan, read as outer flange portion, Fig.1, #38, col.3, L.25) is a semi-circular indent (Bannan, Fig.1, #38) serving as a scraper for the paint roller so that excess liquid coating (Bannan, read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Bannan, col.2, L.45-47).

For claim 10, the apparatus of combined teaching of Thatcher et al, Bannan, Bailey and Freiler teach that the vent opening has a diameter (Freiler, Fig.2, the opening of the vent) and the plug further includes an end projection that is of a diameter greater than the diameter of the vent opening (Freiler, Fig.3, #72) and that fits over the vent opening thereby securing the plug in position (Freiler, Fig.2) until a pressure build-up within housing causes the plug to be release (Freiler, Fig.2 and Fig.3).

For claim 11, the apparatus of combined teaching of Thatcher et al, Bannan, Bailey and Freiler teach that a tether securing the plug to the housing (Freiler, Fig.3, #42). Note that the tether is defined as “a rope, chain, or **other device** used to attach a person or animal (in this case the plug) to a fixed object” (Cambridge Dictionary of American English); the device (Freiler, Fig.3, #42) reads on the definition.

For claim 12, the apparatus of combined teaching of Thatcher et al, Bannan, Bailey and Freiler teach that the entire plug is pushed completely out of the vent opening by excessive pressure build-up in the housing, and when said plug is so removed from the vent opening, the tether keeps the plug connected to the housing (Freiler, Fig.3).

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11. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nell (US 4,778,534) in view of Bannan (US 4,982,471) in further view of Rossborough et al (US 4,711,258), Bailey (US 5,086,796) and Freiler (US 5,203,372).

Nell teaches a paint roller cleaner comprising a jacket (read as cylindrical housing, Fig.1, #10, col2, L.66) having an open upper extremity (read as opening, Fig.1, #13, col2, L.65) adapted to receive a paint roller (Fig.1, col.2, L.27-28), and jacket (read as cylindrical housing, Fig.1, #10, col.2, L.66) being a very close fit around the paint roller (Fig., col.2, L.27-28), which is fully capable of removing paint therefrom. In operation, a stream of water from a garden hose (read as cleaning fluid under pressure, col.2, L.35) enters into the jacket (read as cylindrical housing, Fig.1, #10, col.2, L.35-40).

Nell does not teach a paint roller cleaner having an outer flange portion for removing paint from the paint roller, and an external locking means for securing the paint roller in the cylindrical housing.

Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller. Moreover, simply arranges old elements with each performing the same function it had

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been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious (Predictable result).

Both Nell and Bannan do not teach a paint roller cleaner having an external locking means for securing the paint roller in the cylindrical housing.

Rossborough et al teach a paint roller cleaner comprising a locating member (read as locking means, Fig.1, #4, col.2, L.36) attached on the cylindrical housing (Fig.1, #1, col.2, L.31). The locating member (read as locking means, Fig.1, #4, col.2, L.36) is a hook, which is upstanding from an outer surface of the housing (Fig.1, #1, col.2, L.31) and generally in line axially therewith (Fig.1). The locating member (read as hook, Fig.1, #4, col.2, L.36) is formed by a wall upstanding from the outer surface of the cylindrical housing (Fig.1, #1, col.2, L.31) and curving around to join one another (Fig. 2, #4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell and Bannan by adding a locking means as mentioned in Rossborough et al in order to hold the connecting arm of the paint roller in a fixed predetermined position while the cleaning process is in operation (Rossborough et al, col.1, L.58-60). It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have a hook being formed by walls in order to obtain a stronger hook structure. Although the Rossborough et al do not disclose the locating member (read as hook, Fig.1, #4, col.2, L.36) is formed by walls, the mere duplication of parts has no patentable significance since no new and

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unexpected result is produced. Consult, *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Nell, Bannan and Rossborough et al remain silent about a pressure relief means provided on the housing.

However, Bailey teaches a paint roller cleaner comprising a pressure relief means provided on a housing (Fig.1, #24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of combined teaching of Nell, Bannan and Rossborough et al by adding a pressure relief means provided on the housing as motivated by Bailey such that turbulence, which tends to clean any cover situated within the housing, can be created inside the housing, thus enhance cleaning efficiency (Bailey, col.5, L.42-44).

Nell, Bannan, Rossborough et al and Bailey remain silent about the pressure relief means comprising a vent opening that is tightly sealed by a plug; wherein said plug is pushed out of the vent opening by excessive pressure build-up within the housing.

However, Freiler teaches a pressure relief means comprising a vent opening that is tightly sealed by a plug (Fig.2, #56); wherein said plug is fully capable of being pushed out of the vent opening by excessive pressure build-up within the housing (Fig.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of combined teaching of Nell, Bannan,

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Rossborough et al and Bailey by using the pressure relief means comprising a vent opening that is tightly sealed by a plug; wherein said plug is pushed out of the vent opening by excessive pressure build-up within the housing as mentioned in Freiler instead of the pressure relief means as suggested by Nell, Bannan, Rossborough et al and Bailey to enhance automation and also because Bailey teaches any means for restricting, preventing, allowing or varying fluid flow may be used (col.5, L.45-46).

12. Claims 13-15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro (US 4,126,484) in view of Carrie et al (US 5,932,028)

Monteiro teaches a paint roller cleaner comprising a cylindrical housing having a first end (Fig.3, #38), a second end (Fig.3, unlabeled, the outlet end of the cylindrical housing) and a side wall (Fig.3, #36) extending therebetween, wherein the housing has a longitudinal axis extending between the first and second ends and said housing defines a longitudinally aligned bore therein (Fig.3, unlabeled, the interior of the cylindrical housing); an inlet into the bore defined the first end of the housing; an outlet from the bore defined in the second end of the housing, said outlet being adapted to receive a paint roller therethrough; a locking member (Fig.3, #44) extending generally longitudinally outwardly and beyond the second of the housing; and a portion of the locking member is deposed at an angle to the longitudinal axis (Fig.3, the hooking portion of #44) and is separated from the second surface by a gap (Fig.3, unlabeled, the gap between the hook and the housing), and the gap is adapted to receive part of a handle of the paint roller therein.

Monteiro remains silent about a planar flange extending outwardly away from the second end of the housing and generally perpendicular to the longitudinal axis thereof; where the flange has a first surface facing the first end of the housing, a second surface opposed thereto and an outermost edge intermediate the first and second surfaces and spaced a distance outwardly away from the side wall of the housing.

However, Carrie et al teach a paint roller cleaner comprising a planar flange (Fig.2, #24) extending outwardly away from the second end of the housing and generally perpendicular to the longitudinal axis thereof; where the flange has a first surface facing the first end of the housing, a second surface opposed thereto and an outermost edge intermediate the first and second surfaces and spaced a distance outwardly away from the side wall of the housing (See Fig.2, #24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Monteiro by adding a planar flange extending outwardly away from the second end of the housing and generally perpendicular to the longitudinal axis thereof; where the flange has a first surface facing the first end of the housing, a second surface opposed thereto and an outermost edge intermediate the first and second surfaces and spaced a distance outwardly away from the side wall of the housing as motivated by Carrie et al in order to clean the paint roller in an upright manner efficiently and with minimum human intervention (Carrie et al, col.1, L.7-8; col.2, L.17 and L.23). Note that the locking member extending generally longitudinally outwardly away from the second surface of the flange in the combined teaching of Monteiro and Carrie et al.

For claims 14-15, the apparatus of combined teaching of Monteiro and Carrie et al teach that the outermost edge of the flange includes an indent (Carrie et al, Fig.2, the space between #26) which is arcuate in shape wherein the indent is fully capable of engage an exterior circumferential surface of the paint roller.

For claim 21, the apparatus of combined teaching of Monteiro and Carrie et al teach that the locking member is substantially arcuate in shape, and the gap between the locking member and the second surface of the flange is substantially arcuate in shape (Monteiro, Fig.4, #44).

For claim 22, the apparatus of combined teaching of Monteiro and Carrie et al teach that a portion of the locking member first wall (Monteiro, Fig.4, unlabeled, the side wall/surface of #44) extends inwardly from the first surface of the flange along the side wall of the housing and toward the first end thereof.

Allowable Subject Matter

13. Claims 16-20 and 23-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record is Monteiro (US 4,126,484).

Monteiro teaches a paint roller cleaner cited above. Monteiro does not anticipate or suggest fairly a vent opening defined in the side wall proximate the inlet, wherein the vent opening is in fluid communication with the bore; a reusable plug sized to tightly seal the vent opening agent the fluid less from the bore during normal operation of the

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roller cleaner; and wherein the plug is pushed out of the vent opening only by excessive pressure build-up within the bore; a tether connected at a first end to the plug and at a second end to the housing, in combination with other structures as instantly required.

No other prior art that anticipates or suggests fairly the limitations cited in claim 16, therefore claim 16 is indicated as allowable subject matter. Claims 17-20 and 23-24 are indicated as allowable subject matter because of their dependency.

Response to Arguments

15. Applicant's arguments with respect to claims 1-7, 10-15 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KO whose telephone number is (571)270-3726. The examiner can normally be reached on Monday to Thursday, 7:30am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1792